

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION**

This document relates to:

Track 8 - 1:18-op-45817-DAP
Track 9 - 1:18-op-45274-DAP
Track 10 - 1:19-op-45346-DAP

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**KROGER'S MOTION FOR STAY
OF ALL PROCEEDINGS AND CONTINUATION OF DEADLINES AS TO KROGER
IN MDL TRACKS 8 – 10**

The Kroger Co., Kroger Limited Partnership I, Kroger Limited Partnership II, Kroger Texas LP and Harris Teeter, LLC, f/k/a Harris Teeter, Inc. f/k/a RDK Investment Company and Harris Teeter Supermarkets, Inc. (collectively “Kroger”) respectfully move this Honorable Court for a Stay of All Proceedings and an Extension of Deadlines as to Kroger in MDL Tracks 8 – 10.

In support, Kroger asserts:

1. Kroger previously provided Notice to this Court that Kroger had reached an agreement in principle on monetary terms with State AGs, Tribes and subdivisions to resolve all pending opioid litigation within the states where Kroger has pharmacies.
2. On October 4, 2023, Kroger moved the Court to stay MDL Tracks 8-10 as to Kroger until the settlement agreement is finalized.
3. On October 20, 2023, the Court entered non-document orders in Tracks 8, 9 and 10 granting Kroger's Motion for Stay for a period of 90 days.

4. On January 17, 2024, the Court granted Kroger's Unopposed Motion for a Stay for period of 30 days.

5. On February 20, 2024, the Court granted Kroger's Unopposed Motion for a Stay for period of 30 days.

6. Plaintiffs and Kroger reached an agreement on all terms for Kroger's Global Settlement Agreement and signed the agreement on March 22, 2024.

7. On March 22, 2024, the Court granted Kroger's Unopposed Motion for a Stay for a period of 45 days.

8. On March 25, 2024, the state opt-in period for Kroger's Global Settlement Agreement began.

9. On May 2, 2024, Kroger, the State AGs, and the PEC agreed to extend the deadline for Kroger to decide whether to proceed with Kroger's Global Settlement based on the number of state opt-ins until May 14, 2024.

10. On May 6, 2024, the Court granted Kroger's Unopposed Motion for a Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 30 days.

11. On May 14, 2024, the subdivision opt-in period for Kroger's Global Settlement Agreement began.

12. On June 7, 2024, the Court granted Kroger's Unopposed Motion for a Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 90 days. That stay expires on September 7, 2024.

13. On September 9, 2024, the Court granted Kroger's Motion for Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 34 days to October 11, 2024.

14. The subdivision opt-in deadline ended on September 11, 2024. With short extensions, Kroger had until October 31, 2024, to determine whether to proceed with the Settlement based on the participation levels.

15. On October 31, 2024, Kroger elected to proceed to finalize the multistate settlement. The settlement will become effective on December 30, 2024, and Plaintiffs are in the process of filing a dismissal of this case as to Kroger. Kroger respectfully requests a short extension of the stay of all proceedings and an extension of deadlines as to Kroger to December 31, 2024, to allow Plaintiffs to file that dismissal and for the Agreement to become final.

Date: November 18, 2024

Respectfully submitted,

Counsel for Kroger,

s/ Ronda L. Harvey

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CERTIFICATE OF SERVICE

I certify that on this 18th day of November, 2024, the foregoing document was filed using the Court's CM/ECF system which will electronically send a copy of the document to all counsel of record.

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